

REMARKS

The Examiner objects to original claim 11 as including a typographical error. Claim 11 is now cancelled and the typographical error is not reproduced in any of newly entered claims 18-28.

An objection is also raised with respect to the drawings in view of the reference to "diagonal" in claim 15. Claim 15 is cancelled, without prejudice, and there is no reference to a "diagonal" in any of the new claims 18-29. In view of this, it is submitted that the objection to the drawings is traversed in that all of the features referred to in the new claims are shown in the drawings so that no amendment of the drawings is required.

Furthermore, it is submitted that the objection to claims 10-17, under 35 U.S.C. § 112 is also traversed by the replacement of claims 10-17 with new claims 18-29. It is submitted that new claims 18-29 particularly all now point out and distinctly claim the Applicant's invention, and that each claim now is clear and definite. In particular, there are no references to "during operation" in any of the new claims.

Next, the Examiner rejects claims 10-17, under 35 U.S.C. § 102, as anticipated by Hubbard '055 (US 6,508,055 B2). It is submitted that each of claims 18-29 is clearly distinguished from the Hubbard '055 disclosure for the following reasons.

In the above respect, both independent claims 18 and 29 specify a ducted air power plant that, in addition to a motor-driven fan, a plurality of vectoring air-jet nozzles and means for ducted delivery of subsidiary air streams to respective ones of the vectoring air-jet nozzles, includes air splitter means for deriving the subsidiary air streams. Claim 18 further specifies that the air splitter means:

comprises selectively-adjustable splitter means for splitting the high-pressure air-stream proportionally between the subsidiary air streams, the selectively-adjustable splitter means being selectively adjustable to vary the proportions with which the high-pressure air stream is split between the respective subsidiary air streams (claim 29 contains similar limitations).

In the Hubbard '055 disclosure, the air stream delivered by the fan 3 is split between the central duct 5 and a split exhaust plenum chamber 6; the split here is of fixed proportions. Accordingly, the Hubbard '055 air splitting between the central duct 5 and the chamber 6 is not selectively adjustable to vary the proportions with which the air stream delivered by the Hubbard '055 fan 3 is split between the subsidiary air streams. In this respect therefore, it is respectfully submitted that the ducted air power plant of both claims 18 and 29 are distinguished from the engine disclosed by Hubbard '055.

In relation to the now-cancelled claims 10-14, the Examiner directs attention to the "air splitter means 9" of Hubbard '055. However, reference numeral "9" is used by Hubbard '055 to

refer to doors that (according to lines 49-50, column 2) "are arranged to split the thrust from nozzles 7". Accordingly, rather than splitting the air stream from the fan 3 into subsidiary air streams for supply to respective vectoring air-jet nozzles, Hubbard '055 teaches that the doors 9 split the efflux of the nozzles 7 between atmosphere and the fan 2. Thus, the Hubbard '055 disclosure in this respect does not meet the limitations of Claim 18 which recites:

means for ducted delivery of the subsidiary air streams [derived by the air splitter means] to respective ones of the [(plurality) of vectoring air-jet nozzles (claim 29 contains similar limitations)].

It is clear furthermore, that the split of the air stream produced by the fan 2 of Hubbard '055 is fixed and that the subsidiary air streams resulting from the split are not ducted to respective vectoring air-jet nozzles.

In all the above circumstances, it is respectfully submitted that the ducted air power plant of claims 18 and 29 is not taught, suggested, disclosed or remotely hinted at by Hubbard '055. Additionally, it is submitted that since each of new claims 19-25 depends, either directly or indirectly, on independent claim 18, those claims, like claim 18, are each adequately distinguished over and from Hubbard '055.

In addition, new claim 26 is directed to a craft having VTOL capability which includes a ducted air power plant that includes the feature of an air splitter which splits the high-pressure air stream from the plant-fan into four subsidiary air streams, and which:

comprises selectively-adjustable splitter means for splitting the high-pressure air-stream proportionally between the four subsidiary air streams, the selectively-adjustable splitter means being selectively adjustable to vary the proportions with which the high-pressure air stream is split between the four subsidiary air streams.

For the reasons stated above in relation to claim 18, it is submitted that the craft recited in claim 26, as well as recited in each of dependent claims 27 and 28, is sufficiently distinguished over and from the disclosure of Hubbard '055 due to at least the absence from Hubbard '055 of the above noted air-splitter feature of claim 26.

In rejecting now-cancelled claim 13, under 35 U.S.C. §103, the Examiner cites Hubbard '055 in view of Johnson et al. '233 (US 4,222,233). It is respectfully submitted that none of the new claims 18-29 corresponds to the now-cancelled claim 13 and thus further comments concerning that canceled claim 13 is not believed necessary. Furthermore, there is nothing disclosed by Johnson et al. '233 that is seen to have any obvious relevance to claims 18-29. The Applicant also notes the remaining prior art cited in the official action. As none of that additional art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning that art as well.

In all the circumstances, therefore, it is submitted that claims 18-29 are each patentable over Hubbard '055 alone or Hubbard '055 in view of Johnson et al. '233.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Hubbard '055 and/or Johnson et al. '233 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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